



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,437	02/21/2002	Francis James Canova JR.	25216-0906	9150

7590 08/16/2005  
SHEMWELL GREGORY & COURTNEY LLP  
4880 STEVENS CREEK BLVD.  
SUITE 201  
SAN JOSE, CA 95129

EXAMINER

DATSKOVSKIY, MICHAEL V

ART UNIT PAPER NUMBER

2835

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/080,437

**Applicant(s)**

CANOVA ET AL.

**Examiner**

Michael V. Datskovskiy

**Art Unit**

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 41-72 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 and 41-60 is/are allowed.
- 6) ☒ Claim(s) 61-72 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. The Affidavit filed on 07/14/2005 under 37 CFR 1.131 is sufficient to overcome the rejection of claims 1-10 and 41-60 based upon Tal et al reference.

2. However, regarding to new claims 67-68 the evidence submitted with the Affidavit is insufficient to establish a conception of the invention claimed in claims 67-68 prior to the effective date of the previously cited Ozawa reference, because the list of housing features provided in the Affidavit does not comprise communicative contacts within an interior surface of the slot. Therefore, this feature is considered by examiner as having a priority date 02/04/1999, as of the parent application 09/244,440.

### ***Claim Objections***

3. Claim 61 is objected to because of the following informalities: Claim 1 recites the limitation "the accessory slot" in 3. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2835

5. Claims 61-65, 69-71 are rejected under 35 U.S.C. 102(b) as being anticipated by Gouda et al.

Gouda et al teach a computing apparatus, Figs. 1-14, comprising: a housing 4 having a slot 5 that extends at a majority length of the housing and is at least partially exposed along a lateral side of the housing, the slot being shaped to receive and accommodate at least one removable device – a stylus 2. Gouda et al teach furthermore: Said slot 5 is shaped to partially enclose the removable stylus 5; The housing 4 is flared out and acts as a stop for the removable device when it is inserted in the slot; Said slot 5 is substantially cylindrical; Said slot includes a retaining device – notch 6, Fig. 5, and said stylus 5 includes a detent 2e, wherein the notch 6 mates with the detent 2e.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 66 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gouda et al in view of Osiecki et al.

Gouda et al teach all the limitations of the claims except using said accessory slot to retain a spine portion of a cover device or encasement. Osiecki et al teach a computing apparatus – PDA 16 comprising a pair of slots 32 and a protective case 13, wherein said protective case 100 comprising a retaining spine 26 intended to be inserted in the one of two accessory slots 32 of a PDA. It would have been obvious to one ordinary

Art Unit: 2835

skilled in the art at the time invention was made to employ an accessory slot in the device by Gouda et al to retain a spine of a protective case as it is suggested by Osiecki et al, in order to diversify utility of accessory slots.

8. Claims 67-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gouda et al in view of Ozawa.

Gouda et al teach all the limitations of the claims except said accessory slot of said computing apparatus further comprises a communication port within an interior surface of the accessory slot, said communication port having at least one communicative contact, and the stylus has a plurality of contacts, which connect to the at least one of communicative contacts when the stylus device is inserted into the accessory slot.

Ozawa teaches a hand held computer 1, Fig. 11, comprising: a housing; an accessory slot 3, the slot being substantially cylindrical, elongate and capable of receiving and accommodating a removable accessory device – stylus 4, wherein said hand held computer further comprises an external port in communication with the accessory slot, said external port having a plurality of external port contacts 68, and the stylus has a plurality of contacts 42, which connect to the external port contacts 68 when the stylus device 4 is inserted into the accessory slot 5. It would have been obvious to one ordinary skilled in the art at the time invention was made to employ in the device by Gouda et al a communication port in communication within an interior surface of the accessory slot, said communication port having at least one communicative contact, and a stylus having a plurality of contacts, which connect to at least one of the communicative contacts when the stylus device is inserted into the accessory slot, as it

Art Unit: 2835

is shown by Ozawa, in order to create an electrical contact between said computer and said stylus, in order to diversify utility of accessory slots.

***Allowable Subject Matter***

9. Claims 1-10 and 41-60 are allowed.

10. The following is a statement of reasons for the indication of allowable subject matter: A computing apparatus as of all limitations of claims 1, 43 and 57, wherein said accessory slot is formed as apart of the midframe.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Tou et al (US Patent 5,528,743); Daly (US Patent 4,927,986); Hawkins et al (US D440,542 S); Hawkins et al (US Des. 397,679); Yoshida et al (US Patent 5,401,917); Mizusugi et al (US Des. 356,550); Lee (US Des. 346,591); Matsuda (US Patent 5,506,749) and Amisaki (Japan Patent JP07248867 A), wherein each of them is being applicable for the rejection of the at least claim 61 of the instant application.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

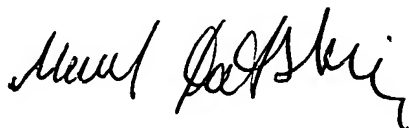
Art Unit: 2835

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael V. Datskovskiy whose telephone number is (571) 272-2040. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (571) 272-2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael V Datskovskiy  
Primary Examiner  
Art Unit 2835

08/15/2005